



03/26/8

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : George MAURO
Serial no. : 10/534,949
Confirmation No. :
Filed : with an effective filing date of November 13,
For : 2003
FRUIT CORING DEVICE FOR PRODUCING
A CLOSED BORE
Group Art Unit : 3731
Examiner : Ghassem Alie
Docket : NATAPE P16BUSBP2

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

In response to the office action mailed January 15, 2008, the Applicant is petitioning for a two month extension of term, attached hereto, thereby extending the term for response to and including April 15, 2008.

[XXX] A check for the fees indicated below, based upon the Applicant's small entity status, accompanies this response.

PETITION FOR TWO MONTH(S) EXTENSION OF TERM	\$230.00
TOTAL	\$230.00

In that action, the Examiner requires restriction, under 35 U.S.C. § 121, between one of the following groups of claims:

- I Claims 1-11 and 13-14, drawn to a fruit coring device including a cutting member affixed to a handle and having a leading cutting member edge; and at least one cutting surface projecting inwardly from the cutting member and having a cutting surface edge which is located adjacent a plane defined by the cutting member edge, classified in class 30, subclass 113.1; or
- II Claim 12, 16-19, 21-22 drawn to a fruit coring device including a tubular member having an interior cavity; the first end of the tubular member being connected with the handle and the second end defining a member cutting edge; and at least one cutting blade supported within the interior

cavity of the tubular member such that the blade cutting edge lies substantially in a plane defined by the member cutting edge, classified in class 30, subclass 302.

The Applicant elects the invention disclosed in Group II (claims 12, 16-19, 21 and 22) and it is requested that, without further action thereon, claims 1-11 and 13-14 be retained in this application pending disposition of this case and for possible reinstatement and/or filing of a divisional application(s). In addition, as claim 1 is generic to both groups of claims, the Applicant also elects independent claim 1 to be prosecuted with elected claims 12, 16-19, 21 and 22.

In the same office action, the Applicant is further required to elect one of the following patentably distinct species of the claimed invention:

Species I.	Fig. 2;
Species II.	Fig. 5;
Species II.	Fig. 6;
Species IV.	Fig. 7;
Species V.	Fig 8;
Species VI.	Fig. 9;
Species VII.	Fig. 10;
Species VIII.	Fig. 11;
Species IX.	Fig. 12;
Species X.	Fig. 12B
Species XI.	Fig. 12C
Species XII.	Fig. 13;
Species XIII.	Fig. 14;
Species XIV.	Fig. 15;
Species XV.	Fig. 16;
Species XVI.	Fig. 16A
Species XVII.	Fig. 17;
Species XVIII.	Fig. 18;
Species XIX.	Fig. 19;
Species XX.	Fig. 20;
Species XXI.	Fig. 21; or
Species XXII.	Fig. 22A.

Reconsideration of this requirement for election of species is respectfully requested in view of the following remarks.

The Applicant believes that the present invention contains twenty two various embodiments of a single inventive concept. All twenty two species contain the features presently recited in claim 1 which is currently generic to all of the species. Moreover, the Applicant believes that claim 1 is allowable and consequently all species of the invention should be prosecuted in one and the same application for efficiency reasons.

It is respectfully submitted that all of the species of the invention represent similar ways of obtaining the same desired results disclosed within this application.

Notwithstanding the above, in order to fulfill the Examiner's request, the Applicant provisionally elects, with traverse, to prosecute Species XXII of the claimed invention shown in Figures 22A-C of the drawings. The Applicant also provisionally elects, with traverse, claims 1, 12, 16-19, 21 and 22 which are readable on the elected species to be prosecuted on the merits.

The Applicant does not waive any rights with respect to the non-elected species and does not intend to abandon that subject matter. If the Examiner makes the election requirement final, the Applicant respectfully requests that the non-elected species be withdrawn from further consideration but remain in this application subject to reinstatement, in the event that a generic claim is allowed, or for possible filing of a divisional application(s).

In view of the foregoing, it is respectfully submitted that the outstanding election of species requirement should be withdrawn and examination of all claims pending in this application, on the merits, is respectfully requested at the present time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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